Matthews v. *Tufts*, 87 N. Y. 568, that a nonresident creditor while voluntarily attending bankruptcy proceedings for the purpose of establishing his claim, was privileged from service of summons. The rule that nonresident witnesses and nonresident defendants are privileged from service of summons as well as from arrests seems well established. *Hayes* v. *Shields*, 2 Yeates 222; *Bolgiano* v. *Gilbert Lock Co.*, 73 Md. 132; *Person* v. *Grier*, 66 N. Y. 124; *Parker* v. *Marco*, 136 N. Y. 585; *Sheehan* v. *Bradford, B. & K. R. Co.*, 3 N. Y. Supp. 790; *Sherman* v. *Gundlach*, 37 Minn. 118; *Mitchell* v. *Huron Circuit Judge*, 53 Mich. 541. In the case last cited, Judge COOLEY stated the reason for setting aside service of summons on a nonresident party-witness as follows: "Public policy, the due administration of justice, and protection to parties and witnesses alike demand it." The New York court in *Netograph Mfg. Co.* v. *Scrugham*, 197 N. Y. 377, said that it is in furtherance of the policy of the law and the due administration of justice that suitors and witnesses from abroad are privileged. From the reasons assigned for the privilege it would seem that it should extend to plaintiffs, as well as to defendants and witnesses. In *Minnich* v. *Packard, supra*, the court, in holding that a nonresident plaintiff could not be served with summons, said that suitors as well as witnesses should feel free at all times to attend judicial proceedings which necessarily require their presence, without being held to answer in some other jurisdiction an adverse proceeding against them. In the following cases, however, the courts have held that nonresident plaintiffs are not exempt from summons: *Bishop, et al.* v. *Vose*, 27 Conn. 1; *Baisley* v. *Baisley*, 113 Mo. 544; *Mullen* v. *Sanborn et al.* 79 Md. 364; *Baldwin* v. *Emerson*, 16 R. I. 304.

RAILROADS—LIABILITY TO TRESPASSERS AND LICENSEES.—Defendant railroad's trestle, which was high, narrow, and dangerous, had a narrow planking in the center upon which people were accustomed to walk, and from which plaintiff was forced to jump, to avoid being run over by defendant's train. Plaintiff sued for his injuries, and appeals from a judgment of non-suit. *Held*, "there is little substantial difference in the rule of law applicable to trespassers and licensees. If the employees of the railway company, or those in charge of the running of its trains, have knowledge that the public, either as trespassers or licensees, may be expected to be upon the track at a particular place, it is their duty to anticipate this presence, and to use proper care and diligence to avoid injuring them." *Williams* v. *Southern Ry. Co.* (Ga. 1912) 75 S. E. 572.

The general rule seems to be that the only duty owed a trespasser is not to injure him wilfully or wantonly, or by reckless and gross negligence amounting to wantonness. *Georgia Railroad Co.* v. *Fuller*, 6 Ga. App. 454, 65 S. E. 313; *Atlantic Coast Line R. Co.* v. *Riley*, 127 Ga. 566, 56 S. E. 635; *Jeffersonville etc. R. Co.* v. *Goldsmith*, 47 Ind. 43, 8 Am. Ry. Rep. 315. However, "at points where the track is constantly used by pedestrians, the company is bound to exercise special care and watchfulness, without regard to the question whether the person killed or injured was a trespasser or licensee." 2 THOMP., Neg., § 1726; *Cassida* v. *Oregon, etc. R. Co.*, 14 Or. 551;

Ward v. *Southern etc. Co.*, 25 Or. 433, 23 L. R. A. 715; *Campbell* v. *Kansas City etc. R. Co.*, 55 Kan. 536, 40 Pac. 998; *Roth* v. *Union Depot Co.*, 13 Wash. 525, 31 L. R. A. 855; *Whalen* v. *Chicago etc. R. Co.*, 75 Wis. 654, 44 N. W. 849, 41 Am. & Eng. Rail. Cas. 558; *Powell* v. *Missouri etc. R. Co.*, 59 Mo. App. 626; *St. Louis etc. R. Co.* v. *Shifflet* (Tex. Civ. App.) 56 S. W. 697; *Young* v. *Clark*, 16 Utah 42, 50 Pac. 832. Usage by trespassers, continued for a length of time sufficient to put the railway company on notice, has the effect of making the users licensees, and the railway employees are charged with a duty of anticipating their presence thereon, and using ordinary care to avoid injuring them. *Macon & Birmingham Ry. Co.* v. *Parker*, 127 Ga. 471, 56 S. E. 616; *Williams* v. *Southern Ry. Co., supra; Swift* v. *Staten Island etc. R. Co.*, 123 N. Y. 645, 25 N. E. 378; *Owens* v. *Penn. R. Co.*, 41 Fed. 187; *Kelly* v. *Southern etc. R. Co.*, 28 Minn. 98, 9 N. W. 588, 6 Am. & Eng. R. Cas. 264; *Harriman* v. *Pittsburgh R. Co.*, 45 Oh. St. 11, 12 N. E. 451, 4 Am. St. Rep. 507; *Norfolk etc. R. Co.* v. *Wilson*, 90 Va. 263, 18 S. E. 35; *Delaney* v. *Milwaukee etc. R. Co.*, 33 Wis. 67.

RAILROADS—RIGHT OF A RAILROAD COMPANY TO NAME ITS STATIONS.—Appellant railroad maintained a station within the unincorporated town of Bingen, which had a population of 100, and which furnished about 10% of the company's business at that point; distant about a mile and a half was the incorporated town of White Salmon, which had a population of 800 and furnished 60% of the business at that point, and was the trading point of surrounding territory with a population of over 3,500, known as the "White Salmon Valley." The railroad company, having changed the name of the station from Bingen to White Salmon, was ordered by the State railroad commission to show on all tariffs, folders, and tickets both names in combination as the name of the same station. The county court affirmed the order of the commission, and the company appealed. *Held*, that the order of the commission was invalid because unreasonable; that a railroad company has the right to choose and use names for its stations without interference by the commission except in cases where a name so chosen materially detracts from the efficiency which the company is required to furnish to the public. *State ex rel. Spokane P. S. S. Ry. Co.* v. *Railroad Commission of Washington* (Wash. 1912) 125 Pac. 953.

An examination of the case fails to disclose any authority precisely in point. In a closely analogous case, it was decided by the Iowa court that a railroad company should not be interfered with by the railroad commission in the management of the railroad, including the location and abandonment of stations, where there was no competent evidence that any patron of the road was deprived of reasonable facilities for transacting business. *State* v. *Des Moines & K. C. Ry. Co.*, 87 Iowa 644; 54 N. W. 461. In a similar case where the evidence failed to show that the order of the commission was reasonable and just, it was held that the order would not be enforced by the courts. *State* v. *Chicago etc. R. Co.*, 86 Iowa 304; 53 N. W. 253. In the opinions rendered in these cases no authorities were cited, but the decisions seem to be well supported. 4 COOK, CORP. (Ed. 6), § 900; 1 CLARK & MARSHALL,